

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON/GALVESTON DIVISION**

JABCO OZ Fund, LLC,
Plaintiff,
versus

Faatuisse “Ese” Roberts, Robert
“Bob” White, 333 Custom
Spectrum, Inc., and California’s
Best Distributors, LLC,
Defendants.

§
§ **Civil Case Action Number**
§ **H-20-4267**
§
§ **DEFENDANTS’ MOTION TO**
§ **COTNINUE TO INITIAL RULE**
§ **26(f) CASE MAANGEMENT**
§ **CONFERNCE AND TO**
§ **CONDUCT SUCH**
§ **CONFERENCE**
§ **TELEPHONICALLY**
§

DEFENDANTS’ MOTION TO CONTINUE HEARING

Presently, Magistrate Judge Peter Bray set an initial Rule 26(f)
Case Management Conference to be held in the above mentioned court
on March 2, 2021, at 11:30 a.m.

Defendants Faatuisse Roberts, Robert White, 333 Custom
Spectrum, Inc., and California Best Distributors, LLC’s attorney of
record, John Armstrong, is and has been engaged in trial in the
Riverside County Superior Court of and for the State of California for
the past three weeks in what was supposed to be a 1 week trial in the

matter of *Kiki Greens, Inc. vs. Bruce Hutchinson, et al.* The trial is being conducted via Webex from 10am-to 4:30pm Pacific Standard Time.

Counsel for defendants anticipates that this case will finish the evidentiary portion by this coming Wednesday, March 3, 2021 in the afternoon. This motion would have been sooner, but counsel for plaintiff Kiki Greens repeatedly and significantly underestimated her actual time to examine her witnesses, and so it was not apparent until the last week of February that this trial would go into March of 2021.

Defendants' counsel contacted this Court's clerk to advise of the problem, and the clerk indicated that Defendants' should file a motion to continue the hearing.

Additionally, because of COVID-19, counsel for Defendants requests that this hearing be conducted telephonically or by other electronic means rather than in person as counsel for Defendants has not been able to get vaccinated yet against the COVID-19 virus.

Further, before starting trial, I had contacted plaintiff's counsel of record in this matter, Robert Miller, who advised me that he would be withdrawing from this case whether it stays in this court is transferred to a California federal district court because he does not practice in the federal court, and requested that the parties discuss settlement.

So, a continuance would also give plaintiff's counsel additional time to find competent counsel who practices in the federal district courts.

This writer submits that the above facts are true under penalty of perjury under the laws of the United States of America, and that I signed this Motion on February 28, 2021

Respectfully submitted,

ARMSTRONG LAW GROUP

By: *John Armstrong*
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CERTIFICATE OF SERVICE

I, John Armstrong, certify that a copy of the foregoing was sent via ECF on this the 28th day of February, 2021 on counsel for the Plaintiff.

ARMSTRONG LAW GROUP

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